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Filed: January 4, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

FRANCIS BARANY,  
GEORGE BARANY, and ROBERT P. HAMMER,  
Junior Party  
(Application 09/986,527),

v.

GLENN H. McGALL,  
CHARLES G. MIYADA, MAUREEN T. CRONIN,  
JENNIFER D. TAN, and MARK S. CHEE  
Senior Party  
(Patent 6,156,501).

Patent Interference No. 105,351  
(Technology Center 1600)

Before: RICHARD E. SCHAFER, SALLY G. LANE, and  
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

**JUDGMENT – 37 C.F.R. § 41.127**

1       Barany's motion for judgment asserting that the McGall inventors  
2       derived the invention from the Barany inventors has been denied in a  
3       decision issued simultaneously with this judgment. Paper 83. It is  
4       appropriate to enter judgment on priority against Barany.

5       Barany's motion (Paper 32), that McGall's involved claims were  
6       unpatentable under 35 U.S.C. § 112, ¶ 1, was previously granted. Paper 49,

1 pp. 9-20. It is now appropriate to enter judgment against McGall on  
2 patentability.

3 **ORDER**

4 It is

5 **ORDERED** that judgment on patentability as to the subject matter of  
6 Claims 1-72 of Patent 6,156,501, is awarded against the senior party, Glenn  
7 H. McGall, Charles G. Miyada, Maureen T. Cronin, Jennifer D. Tan, and  
8 Mark S. Chee;

9 **FURTHER ORDERED** that claims 1-72 of Patent 6,156,501 be  
10 cancelled (35 U.S.C. § 135(a));

11 **FURTHER ORDERED** that judgment on priority as to the subject  
12 matter of Count 2 (Paper 50, p. 1) is awarded against junior party, Francis  
13 Barany, George Barany, and Robert P. Hammer;

14 **FURTHER ORDERED** that junior party, Francis Barany,  
15 George Barany, and Robert P. Hammer, is not entitled to a patent including  
16 the subject matter of Claims 15, 17-25, 27, 28, 30, 32, and 35-37 of  
17 Application 09/986,527;

18 **FURTHER ORDERED** that Claims 15, 17-25, 27, 28, 30, 32, and  
19 35-37 of Application 09/986,527 are finally refused (35 U.S.C. § 135(a);

20 **FURTHER ORDERED** that a copy of this Judgment and the  
21 Decisions on Motions and Priority (Papers 49 and 83) be made of record in  
22 the files of Application 09/986,527 and Patent 6,156,501; and

1           **FURTHER ORDERED** that if there is any settlement agreement or  
2 related documents which have not been filed, attention is directed to  
3 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
	)	
<u>/Sally G. Lane/</u>	)	BOARD OF PATENT
SALLY G. LANE	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
<u>/Michael P. Tierney/</u>	)	
MICHAEL P. TIERNEY	)	
Administrative Patent Judge	)	

cc (electronic filing):

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